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In re Application of : **OFFICE OF PETITIONS**
Staszewski, et al. : DECISION ON PETITION
Application No. 10/001,448 :
Filed: October 31, 2001 :
Docket No.: TI-33170 :
:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-final Office action mailed December 1, 2005 for which a three (3) month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

It is noted that this is the second petition to revive pursuant to 37 CFR 1.137(b) to be filed in the above-identified application wherein counsel indicates that while a reply was intended to be submitted, no such reply was in fact timely submitted. Petitioners are advised that future responses to outstanding Office communications must be timely filed as

applicants' failure to submit a timely reply despite intentions, to the contrary may be deemed intentional delay within the meaning of 37 CFR 1.137(b)(3) in any subsequently filed petition under 37 CFR 1.137.

This application will be forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Petitions Attorney
Office of Petitions